

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

Johnny Cuong Tran (01),
Tuan Van Nguyen (02),
Timothy Quang Tran (04),
Kevin Dinh Phan (05),
Tuan Ngoc Pham (07),
Vinh Xuan Hoang (12),
Phung Duc Hoang (13), and
Phuong The Cong (15),

Criminal No. 09-172 MJD/SRN

ORDER

Defendants.

LeeAnn K. Bell, Esq., United States Attorney's Office, 600 U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415, for Plaintiff.

John C. Brink, Esq., Brink & Gerdts, 331 2nd Avenue South, Suite 110, Minneapolis, MN 55401, for Defendant Johnny Cuong Tran (01).

Earl P Gray, Esq., 332 Minnesota Street, Suite W 1610, St. Paul, MN 55101, for Defendant Tuan Van Nguyen (02).

Julius A. Nolen, Esq., Berndt Law Office, 333 Washington Avenue North, Suite 101, Minneapolis, MN 55401, for Defendant Timothy Quang Tran (04).

Douglas T. Kans, Esq., Kans Law Firm, LLC, 3800 American Boulevard West, Suite 180, Bloomington, MN 55431, for Defendant Kevin Dinh Phan (05).

Timothy D. Webb, Esq., Timothy D. Webb, PLLC, 8500 Normandale Lake Boulevard, Suite 1080, Minneapolis, MN 55437, for Defendant Tuan Ngoc Pham (07).

Douglas A. Myren, 4544 Grand Avenue South, Minneapolis, MN 55419, for Defendant Vinh Xuan Hoang (12).

Kyle D. White, Esq., 332 Minnesota Street, Suite W-1710, Saint Paul, MN 55101, for Defendant Phung Duc Hoang (13).

Charles Hawkins, Esq., 150 South Fifth Street, Suite 3260 Minneapolis, MN 55402, for Defendant Phuong The Cong (15).

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated October 9, 2009 [Doc. No. 337]. No objections to the Report and Recommendation were filed within the requisite time period. Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendant Johnny Cuong Tran's (01) Motion to Suppress All Electronic Surveillance and Any Evidence Derived Therefrom [Doc. No. 264] is **DENIED as moot**;
2. Defendant Johnny Cuong Tran's (01) Motion to Suppress Any Evidence Obtained as a Result of Any Illegal Searches or Seizures [Doc. No. 265] is **DENIED as moot**;
3. Defendant Johnny Cuong Tran's (01) Motion to Suppress Any Evidence Obtained as a Result of Any Illegal Interrogations [Doc. No. 266] is **DENIED as moot**;
4. Defendant Tuan Van Nguyen's (02) Motion to Suppress Tracking Device [Doc. No. 296] is **DENIED as moot**;
5. Defendant Timothy Quang Tran's (04) Motion to Sever Defendants Pursuant to Federal Rule of Criminal Procedure 14 [Doc. No. 220] is **DENIED**;
6. Defendant Timothy Quang Tran's (04) Motion to Suppress Search Warrant Evidence [Doc. No. 221] is **DENIED**;

7. Defendant Timothy Quang Tran's (04) Motion to Suppress Statements [Doc. No. 222] is **DENIED**;
8. Defendant Kevin Dinh Phan's (05) Motion for Separate Trials [Doc. No. 269] is **DENIED**;
9. Defendant Kevin Dinh Phan's (05) Motion to Suppress Evidence Obtained by Illegal Search and Seizure [Doc. No. 270] is **DENIED**;
10. Defendant Tuan Ngoc Pham's (07) Motion to Suppress Communication Intercepted by Wiretap [Doc. No. 253] is **DENIED as moot**;
11. Defendant Tuan Ngoc Pham's (07) Motion to Suppress Statements, Admissions, and Answers [Doc. No. 254] is **DENIED**;
12. Defendant Tuan Ngoc Pham's (07) Motion for Severance, or in the Alternative, to Join Motions of Co-Defendants [Doc. No. 255] is **DENIED**;
13. Defendant Tuan Ngoc Pham's (07) Motion to Suppress Search Warrant Evidence [Doc. No. 256] is **DENIED**;
14. Defendant Vinh Xuan Hoang's oral motion to suppress evidence from search and seizure is **DENIED**;
15. Defendant Phung Duc Hoang's (13) Motion to Suppress Evidence Obtained Through Illegal Search and Seizure [Doc. No. 285] is **DENIED**;
16. Defendant Phung Duc Hoang's (13) Motion for Suppression of Statements [Doc. No. 227] is **DENIED as moot**; and

17. Defendant Phuong The Cong's (15) Motion for Severance of Defendants [Doc. No. 289] is **DENIED**.

Dated: October 27, 2009

s/Michael J. Davis

Michael J. Davis

Chief Judge

United States District Judge